

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CONNETHIA SESLER,

Plaintiff,

v.

Case No.: 8:20-cv-2835-DNF

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

Before the Court is a Motion for Extension to Time to Appeal (Doc. 27). Connethia Sesler, proceeding without the assistance of counsel, requests additional time to file a notice of appeal in this case.

Under Federal Rule of Appellate Procedure 4(a), Plaintiff had 60 days after the entry of judgment to file a notice of appeal. The Judgment was entered on December 14, 2021. (Doc. 22). As a result, Plaintiff had until February 14, 2022 to file a notice of appeal,¹ but she did not. In a prior Order (Doc. 25), the Court cautioned Plaintiff that if she chose to pursue an appeal, she must request an

¹ The 60-day time period expired on February 12, 2022, which is a Saturday. Under Federal Rule of Appellate Procedure 26(a)(1)(C), when the last day of the period is a Saturday, “the period continues to run until the next day that is not a Saturday, Sunday, or legal holiday.”

extension of time before March 14, 2022, and establish excusable neglect or good cause for missing the deadline to file a notice of appeal. (Doc. 25, p. 2).

Plaintiff now timely requests additional time to obtain counsel and file a notice of appeal. Under Federal Rule of Appellate Procedure 4(a)(5)(A), if a party moves for an extension of time no later than 30 days after the time prescribed by Rule 4(a)—which Plaintiff did in this case—then Plaintiff must show excusable neglect or good cause for not filing a notice of appeal timely. The Rule also provides that notice must be given to the other parties and the extension of time must be limited to 30 days “after the prescribed time” or 14 days after the date the order was entered, whichever is later. Fed. R. App. P. 4(a)(5)(A)-(C).

The Court finds Plaintiff established excusable neglect for requesting additional time to file a notice of appeal through her request to obtain counsel to assist her with the appeal. The Commissioner received notice through the electronic filing system and did not file a response to the Motion. Thus, the Court will permit Plaintiff an additional 14 days, until April 11, 2022, in which to file a notice of appeal.

Accordingly, it is hereby **ORDERED**:

- (1) Plaintiff’s Motion for Extension of Time to Appeal (Doc. 27) is **GRANTED**.
- (2) Plaintiff has until **April 11, 2022**, to file a notice of appeal.

DONE and **ORDERED** in Fort Myers, Florida on March 28, 2022.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties